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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,253	06/22/2000	CHRISTOPHER RICHARDSON	ULT4084P0160	3607

7590

02/21/2002

ROCKEY MILNAMOW & KATZ
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE SUITE 4700
CHICAGO, IL 60601

EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 02/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,253

Applicant(s)

RICHARDSON, CHRISTOPHER

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second Office Action for serial number 09/582,253, Connecting Device, filed on June 22, 2000. Claims 13-20 are pending.

Specification

The disclosure is objected to because of the following informalities: on page 4, line 12, delete "and" before "each". Appropriate correction is required.

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "24" and "43" have both been used to designate base strip in figure 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,915,267 to Kaysing. With regards to claims 13-17 and 19, Kaysing discloses a connecting device (Fig. 1) comprising: a U-shaped first part (1) having a base (13 generally) fixable to a surface and two arms (8 generally) extending therefrom, each arm having series of spaced teeth (5) on an outer face thereof; and a U-shaped second part (6) having a base (at 6) with two arms (10 generally) extending from opposite ends thereof, each arm having series of spaced teeth (9) on an inner face thereof, the second part being slidably attachable to the first part in a given direction (downward vertical direction, see col. 2, lines 30-33) along a wire (3) and forming at least a partial enclosure for the wire; wherein the first and second parts having co-operating formations (5,9) enabling the attachment of the second part (6) to the first part (1) to be selectively adjustable and co-operating formations (U-shaped form; see Fig. 2) limiting movement of the second part (6) relative to the first part (1), in the given direction (vertical) along the wire, once the second part (6) has been slidably attached to the first part (1).

Claims 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent 1,559,036A to Dom Holdings LTD (Dom Holdings). With regards to claims 13-20, Dom Holdings discloses a connecting device (Figs. 9-10) comprising: a U-shaped first part (1) having a base (3 generally) fixable to a surface and two arms (4,5 generally) extending therefrom, each arm defining a channel therein with series of spaced teeth (52) on an outer face thereof; and a U-shaped second part (2) having a base (at 11) with two arms (36 generally) extending from opposite ends thereof, each arm having

series of spaced teeth (51) on an inner face thereof, the second part being slidably attachable to the first part in a given direction (downward vertical direction) and forming at least a partial enclosure for a pipe; wherein the first and second parts have co-operating formations/teeth enabling the attachment of the second part (6) to the first part (1) to be selectively adjustable and co-operating formations (top surfaces of 4,5 and abutting outer flanged surfaces of 11; see Fig. 10) limiting movement of the second part (2) relative to the first part (1), in the given direction (vertical), once the second part (2) has been slidably attached to the first part (1).

Response to Arguments

Applicant's arguments with respect to claims 13-20 have been considered but are moot in view of the new ground of rejection.

Applicant's arguments filed 11/20/01 have been fully considered but they are not persuasive. Regarding Applicant's argument that "In Kaysing, it is important to note that nothing prevents the parts 1,6 from moving relative to one another in either direction along the cable", examiner respectfully disagrees. Claim 13 calls for a second part slidably attachable to a first part in a given direction along a pipe and cooperating formations limiting relative movement of the first and second parts in the given direction. Unlike the Applicant's arguments above, the claim does not require cooperating formations for limiting movement *along the longitudinal axis* of the teeth (5,9) or wire/pipe (3). Clearly Kaysing teaches the second part (6) being slidable onto the first part (1) in a downward vertical direction and further teaches that the interchangeable

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U-shaped form of both parts limits further movement of the second part in the downward vertical direction along the first part.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure because they disclose clamp assemblies having means for preventing displacement of the clamp parts:

4118838 to Schiefer et al. discloses a pipe clamp.
4771516 to Foth discloses a connecting device.
6343772 to Oi discloses a hose clamp with positioning function.
6312184 to Hoshino discloses a pipe connector.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 305-3598 (formal amendments) or (703) 308-3686 (informal amendment/communication).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 308-2168.



Naschica S. Morrison
Patent Examiner
Art Unit 3632
2/13/02



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER